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IN THE IOWA DISTRICT COURT FOR POLK COUNTY

**ERIC LOGSDON, Administrator of the
ESTATE OF BARBARA LOGSDON,**

LAW NO. CL 127142

Plaintiffs,

vs.

**PETITION AT LAW AND JURY
DEMAND**

**GOLDEN AGE, INC. d/b/a GOLDEN
AGE CARE CENTER, GOLDEN AGE
SKILLED NURSING AND REHAB
CENTER and HAWKEYE CARE
CENTERS, INC.,**

Defendants.

COMES NOW, the plaintiff and for his petition states as follows:

1. At all times material hereto plaintiff's decedent Barbara Logsdon was a resident of Appanoose County, Iowa.
2. At all times material hereto Golden Age, Inc. was a corporation licensed pursuant to the laws of the state of Iowa with its home office in Decatur County, Iowa.
3. At all times material hereto Golden Age, Inc. operated under the fictitious name of Golden Age Care Center located in Centerville, Appanoose County, Iowa.
4. At all times material hereto Golden Age, Inc. operated a licensed long term care and skilled nursing facility under the fictitious name of Golden Age Skilled Nursing and Rehab Center located in Centerville, Appanoose County, Iowa.
5. At all times material hereto Hawkeye Care Centers, Inc. was an Iowa corporation with its home office in Polk County, Iowa.
6. At all times material hereto Hawkeye Care Centers, Inc. operated and managed Golden Age Care Center in Centerville, Appanoose County, Iowa.

E-FILED 2013 FEB 19 12:50 PM POLK - CLERK OF DISTRICT COURT

7. At all times material hereto defendants, by and through their agents and employees, including those professionally licensed, acted in the scope of their apparent or actual authority in the care and treatment of Barbara Logsdon.
8. At all times material hereto Barbara Logsdon was a resident of Golden Age Skilled Nursing and Rehab Center.
9. On or prior to June 22, 2012 Barbara Logsdon due her existing state of health required assistance with various adult daily living activities, including, but not limited to, grooming, hygiene, bathing, physical rehabilitation and the taking of medications.
10. On or prior to June 22, 2012 Barbara Logsdon existing state of health required ongoing assessment, and, if necessary, immediate care and intervention, particularly in the care and management of her airway.
11. On or about June 22, 2012 Barbara Logsdon was choking and unable to expectorate or clear phlegmon and mucous from her airway causing her to be in severe acute respiratory distress that required prompt, immediate and accurate assessment and intervention by staff to correct such condition.
12. Defendants were negligent in the following particulars:
 - a. In failing to provide adequate and appropriate assistance with respect to the management of Barbara Logsdon's health care;
 - b. In failing to provide adequate and appropriate assistance with respect to the management of Barbara Logsdon's adult daily living activities;
 - c. In failing to hire and employ adequately trained staff;
 - d. In failing to have available workable and functioning assistive medical devices and other equipment, including properly workable mechanical suctioning equipment;

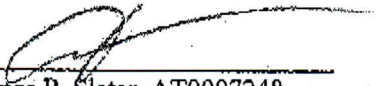
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- e. In failing to adequately and appropriately treat Barbara Logsdon's chronic respiratory distress and airway problems;
 - f. In failing to adequately and appropriately treat Barbara Logsdon's severe acute respiratory distress and airway problems;
 - g. In failing to provide adequate nursing services in violation of IAC 481—58.19;
 - h. In failing to follow Barbara Logsdon's resident care plan in violation of IAC 481—58.18.
13. Defendants' negligence was a proximate cause of the death of Barbara Logsdon.
14. Defendants' negligence was a further proximate cause of the Estate suffering the following damages:
- a. Pre-death pain and suffering;
 - b. Pre-death loss of full mind and body;
 - c. Pre-death medical expenses;
 - d. A loss of the chance or opportunity to survive.
 - e. Present value of the interest on the premature burial expense incurred by the Estate.
15. Defendants' negligence was a further proximate cause of damages suffered by the adult children of Barbara Logsdon, who, but for the negligence of defendants would continue to enjoy the love, affection, companionship and consortium of their Mother.
16. Defendants' conduct, in addition to constituting negligence, was also in reckless disregard of the rights of Barbara Logsdon and thus grossly negligent.
17. The Estate and her children are entitled to actual and punitive damages.
18. Plaintiff demands a jury trial of all the issues presented in this case.

WHEREFORE, Plaintiff prays for actual and punitive damages against defendants, with interest at the legal rate and for costs.

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IN THE IOWA DISTRICT COURT FOR POLK COUNTY

**ESTATE OF FREDA DELORES KING,
by Amberlee Karpouskie, Administrator**

LAW NO. CL 127226

Plaintiffs,

vs.

***PETITION AT LAW AND JURY
DEMAND***

**GOLDEN AGE, INC. d/b/a GOLDEN
AGE CARE CENTER and HAWKEYE
CARE CENTERS, INC.**

Defendants.

COMES NOW, the plaintiff and for her petition at law and jury demands states as follows:

1. At all times material hereto plaintiff's decedent was a resident of Appanoose County, Iowa.
2. At all times material hereto Golden Age, Inc. was a corporation licensed pursuant to the laws of the state of Iowa with its home office in Decatur County, Iowa.
3. At all times material hereto Golden Age, Inc. operated under the fictitious name of Golden Age Care Center located in Centerville, Appanoose County, Iowa.
4. At all times material hereto Golden Age, Inc. operated a licensed long term care and skilled nursing facility under the fictitious name of Golden Age Skilled Nursing and Rehab Center located in Centerville, Appanoose County, Iowa.
5. At all times material hereto Hawkeye Care Centers, Inc. was an Iowa corporation with its home office in Polk County, Iowa.
6. At all times material hereto Hawkeye Care Centers, Inc. operated and managed Golden Age Care Center in Centerville, Appanoose County, Iowa.
7. At all times material hereto defendants, by and through their agents and employees, including those professionally licensed, acted in the scope of their apparent or actual authority in the care and treatment of Freda King.

E-FILED 2013 MAR 04 3:40 PM POLK - CLERK OF DISTRICT COURT

8. At all times material hereto Freda King was a resident of Golden Age Care Center.
9. On or about 10/6/2012 Freda King sustained a fall at Golden Age Care Center and suffered a fracture to her right hip.
10. On or about 11/5/2012 sustained another fall at Golden Age Care Center and suffered a fracture to her left hip.
11. On or about November 9, 2012 Freda King, following inpatient treatment at the hospital for the 2nd hip fracture, was re-admitted to Golden Age Care Center.
12. Following re-admission to Golden Age Care Center Freda King, became severely dehydrated and hypernatremic causing requiring her to be admitted to the hospital on November 25, 2012.
13. On November 29, 2012 Freda King died.
14. Defendants were negligent in the following particulars:
 - a. In failing to implement necessary fall prevention measures, including, but not limited to bed alarms or other assistive devices;
 - b. In failing to properly assess and treat Freda King's dehydration and hypernatremia;
 - c. In failing to timely notify and consult Freda King's physician;
 - d. In failing to obtain the informed consent of the legally designated surrogate of Freda King and in unreasonably relying upon the representation of another for such consent;
 - e. In failing to hire and employ adequately trained staff;
 - f. In failing to provide adequate nursing services in violation of IAC 481—58.19;
 - g. In failing to provide accurate assessment and timely intervention for adverse symptoms which represent a change in mental, emotional or physical condition in violation of IAC 481-58.19(2);

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h. In failing to implement and follow an appropriate resident care plan in violation of IAC 481—58.18.

15. Defendants' negligence was a proximate cause of the death of Freda King's death.

16. Defendants' negligence was a further proximate cause of the Estate suffering the following damages:

- a. Pre-death pain and suffering;
- b. Pre-death loss of full mind and body;
- c. Pre-death medical expenses;
- d. A loss of the chance or opportunity to survive.
- e. Present value of the interest on the premature burial expense incurred by the Estate.

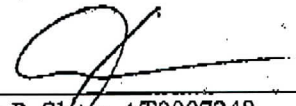
17. Defendants' conduct, in addition to constituting negligence, was also in reckless disregard of the rights of Freda King and thus grossly negligent.

18. The Estate is entitled to actual and punitive damages.

19. Plaintiff demands a jury trial of all the issues presented in this case.

20. **WHEREFORE**, Plaintiff prays for actual and punitive damages against defendants, with interest at the legal rate and for costs.

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